

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 17, 2000

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre
Deputy Clerk: D. E. Moore

D032383 Friary v. Owens Corning Corporation

Cause called on merits. Dwight F. Ritter, Esq. argued for appellant. Thomas Peterson, Esq. argued for respondent. Mr. Ritter replied for appellant. Cause submitted.

D034567 Rothschild v. Tyco International, Inc.

Cause called on merits. Arthur Shingler, Esq. argued for appellant. Suzanne Tracy, Esq. argued for respondent, Tyco International. Todd Benoff, Esq. argued for respondent, Watts Industries. Mr. Shingler replied for appellant. Cause submitted.

Court recessed at 10:10 a.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Don Work and Richard Huffman

D033959 In re Kevin H., a Juvenile

Cause called on merits. Rebecca P. Jones, Esq. argued for appellant. Ilana Cohen, Deputy Attorney General argued for respondent.

Court adjourned at 10:25 a.m.

D033417 In re Marriage of Ravet

The orders and judgment are affirmed. Young is awarded \$2,000 sanctions for Ravet's frivolous appeal. Kremer, P.J.; We Concur: Benke, J., Nares, J.

D034773 In re Diamond H., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Kremer, P.J., Nares, J.

D033613 People v. Bueno

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

**D035936 Natural Alternatives International, Inc. v. Superior Court of San Diego
County/Spencer**

The petition is denied.

D033832 Mission Beach Preservation Committee et al. v. City of San Diego

Judgment affirmed. Respondent to recover its costs of appeal. Benke, Acting P.J.;
We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
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DIVISION ONE

July 17, 2000 (Continued)

D034329 In re Brian B., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Work, J.

D029964 Sullins v. Morrow Mortgage Inc.

D032069 Sullins Electronics Corporation v. Morrow Mortgage, Inc., et al.

Judgment affirmed in part and reversed in part. Respondents Poco Grande, Ltd. and the Sullinses and appellant SEC to recover their costs on appeal. Benke, J.; We Concur: Work, Acting P.J., Huffman, J.

D035100 In re Briana G., a Juvenile

Judgment affirmed. Work.; We Concur: Kremer, P.J., Nares, J.

D033779 Steinbuch v. Medtronic, Inc.

Judgment affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D029700 Shega v. Lewis, D'Amato, Brisbois & Bisgaard LLP et al.

The request for publication of the opinion is denied.

D030910 Barr et al. v. Mission Bay Hospital of San Diego, et al.

The portion of the judgment awarding \$18,627.40 in expert fees to Dr. Kelman is reversed. The judgment is affirmed in all other respects. With respect to plaintiffs' appeal against Hospital, plaintiffs to bear Hospital's costs. With respect to plaintiffs' appeal against Dr. Kelman, each party to bear his or her own costs. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
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July 18, 2000

D033581 Anderson v. Kelly-Springfield Tire Company et al.

The order setting aside the offer and resulting section 998 judgment is affirmed. The parties shall bear their own costs on appeal. Nares, J.; We Concur: Kremer, P.J., McIntyre, J.

D032883 People v. Tigar, et al.

The judgments are affirmed. McIntyre, J.; We Concur: Kremer, P.J., McDonald, J.

D034774 In re Ariel T. a Juvenile

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Work, J.

D034157 In re Francisco V. A Juvenile

Judgment affirmed. McIntyre, J.; We Concur: Kremer, P.J., Haller, J.

D035687 Julien v Workers' Compensation Appeals Board

The petition is denied.

D034160 People v. Garcia

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J.; McIntyre, J.

D035373 In re Malachi D., a Juvenile

The appeal is dismissed. Work, J.; We Concur: Kremer, P.J., Benke, J.

D035703 In re Elias on Habeas Corpus

The petition is denied.

D034699 In re Jordan W., a Juvenile

Order affirmed. Kremer, P.J.; We Concur: Work, J., Nares, J.

D035956 In re Moran on Habeas Corpus

The petition is denied without prejudice to refile after consideration by the superior court.

D035715 Angeles Beautycare Group, Inc. v. Lee et al.

The petition is denied.

D035718 In re Locke

The petition is denied without prejudice to refiling in the correct court.

D033761 In re Jose Manuel A., a Minor

The judgment is affirmed. Kremer, P.J., Work, J., Huffman, J.

D033458 Haragos et al. v. Dykstra et al.

The opinion filed July 11, 2000 is modified. There is no change in judgment.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 18, 2000 (Continued)

D033345 Phan et al. v. Washington Mutual Bank

The judgment is affirmed. Washington Mutual is to recover its costs of appeal. McIntyre, J.;
We Concur: Nares, Acting P.J., McDonald, J.

D033555 People v. McNeely

The judgment is affirmed as modified. Work, J.; We Concur: Kremer, P.J., O'Rourke, J.

D034565 Local 52, United Government Security Officers of America et al. v. Security USA

The judgment is reversed with respect to the second amended complaint's cause of action for unfair business practices insofar as it seeks restitution for uniform cleaning and maintenance. The judgment is also reversed as to the second amended complaint's cause of action for declaratory relief insofar as it seeks declarations as to defendant's obligations to (1) reimburse sums for uniform cleaning and maintenance and (2) permit meal breaks and rest breaks. The remainder of the judgment is affirmed. Each side shall bear its own costs on appeal. Kremer, P.J.; We Concur: Work, J., Nares, J.

D035014 In re Andrew K. a Juvenile

Judgment affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Huffman, J.

D033852 People v. Gibson

The judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D031336 Mycogen Plant Science, Inc. v. Monsanto Company

D031046 Mycogen Corporation v. Monsanto Company

D032171 Mycogen Plant Science, Inc. v. Monsanto Company

The petition for rehearing, request for publication and request to take judicial notice are denied.

D035726 In re Walter M. et al., Juveniles

Upon written request filed by appellants, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

COURT OF APPEAL OF STATE OF CALIFORNIA
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July 19, 2000

D034889 People v. Peterson

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D032597 Hale et al. v. Butz, Lucas & Dunn et al.

The judgment is affirmed. Costs are awarded to respondents. Huffman, J.;

We Concur: Work, Acting P.J., McIntyre, J.

D035700 First United Bank v. Superior Court of San Diego County/Syntron Bioresearch, Inc.

The petition is denied.

D033759 Hendrix v. Vargas

The judgment of dismissal is affirmed. Respondents shall recover their costs on appeal. Nares, J.;

We Concur: Kremer, P.J., McIntyre, J.

D035834 Lines v. Sakes Fifth Avenue, et al.

Pursuant to California Rules of Court, rule 10(c), the appeal filed May 26, 2000, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 4(a) and 5 (a)).

D032436 People v. Brandon

The matter is reversed in part and remanded for retrial of the prior serious felony enhancement and strike allegations related to the prior conviction under section 2113(a), and for resentencing if the prior serious felony and strike allegations are not proven. In all other respects the judgment is affirmed. Nares, J.;

We Concur: Kremer, P.J., Work, J.,

D033325 People v. Vaughn

Affirmed. Haller, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D034255 People v. Kelly

The judgment is affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Huffman, J.

D034045 People v. Gutierrez

The request for publication is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 20, 2000

D032592 People v. Haines

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Work, J.

D034820 In re Marriage of Sukumar

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D032812 People v. Ibrahim

The judgment is affirmed. McIntyre, J.; We Concur: Work, Acting P.J., Nares, J.

D035301 People v. Shabazz

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D035393 In re Dann on Habeas Corpus

Let a writ of habeas corpus issue annulling the judgment of contempt. The temporary stay shall remain in effect until this judgment is final. McIntyre, J.; We Concur: Work, Acting P.J., Haller, J.

D032696 Dolan-King v. Rancho Santa Fe Association, et al.

The petition for rehearing is denied.

D033309 In re Marriage of McBride and Walters

The petition for rehearing is denied.

D035447 Eugene P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Work, J.; We Concur: Kremer, P.J., Benke, J.

D035215 People v. Johnson

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D033835 In re Jim M., a Juvenile

The order is reversed and the matter is remanded for further proceedings consistent with this opinion. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 21, 2000

D034062 Rodriguez v. Winicki et al.

The judgment is reversed. Benke, J.; We Concur: Work, Acting P.J., McIntyre, J.

D035881 In re Ramona H., a Juvenile

Petitioner, Clifford H., having filed a notice of abandonment of extraordinary writ, the Notice of Intent filed June 21, 2000 is DISMISSED.

D035999 In re Snoke on Habeas Corpus

The petition is denied.

D036024 People v. Superior Court of San Diego County/Preciado

Real party in interest is directed to file a response to the petition and request for stay on or before July 31, 2000. All proceedings are temporarily stayed until further order of this court.

D035717 In re Garcia on Habeas Corpus

The petition is denied.

D035669 Marinkovic v. Scrippshealth, et al.

Plaintiff Milivoj Marinkovic's motion for leave to proceed on appeal as an aggrieved person as to the dismissal of his wife's appeal under Code of Civil Procedure, section 902 is denied. The appeal is dismissed.